

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**In re: Jo Ann Gaskin  
Debtor**

**Case No. 11-35817-KLP  
Chapter 13**

**AKA: Joann Myles, Joann Gaskins, Jo A. Gaskin, Joann Gaskin Myles,  
Jo Ann Myles, Jo Gaskin, Joann G. Myles**

**Address: 4444 Three Myles Lane  
Goochland VA 22063**

**Last four digits of Social Security Nos.: xxx-xx-3729**

**NOTICE OF MOTION FOR AUTHORITY  
TO SELL REAL PROPERTY**

The above named Debtor has filed a Motion for Authority to Sell Property in this bankruptcy case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one.**

Under Local Bankruptcy Rule 9013-1, unless a written response to this motion and supporting memorandum are filed with the Clerk of Court and served on the moving party within twenty-one (21) days of this notice, objecting to the relief requested, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you want to be heard on this matter, on or before twenty-one (21) days from the date of the attached Motion, you or your attorney must:

File with the court, at the address below, a written response pursuant to Local Bankruptcy Rule 9013-1. Unless a written response is filed and served by the date specified, the Court may decide that you do not oppose the motion. If you mail your response to the Court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

1. Clerk of Court  
United States Bankruptcy Court  
701 East Broad Street, Suite 4000  
Richmond, VA 23219-3515

Deanna H. Hathaway (VSB #44150)  
Hathaway Adair, P.C.  
710 N. Hamilton Street  
Suite 200  
Richmond, VA 23221  
Telephone: 804-257-9944  
Counsel for Debtors

2. You must also mail a copy to:

Deanna H. Hathaway, Esquire  
Hathaway Adair, P.C.  
710 N. Hamilton Street  
Suite 200  
Richmond, VA 23221

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Dated: June 16, 2015

Respectfully submitted  
**Norman Leslie Ramsey, III**  
**Karen Elizabeth Ramsey**

By: /s/ Deanna H. Hathaway VSB #44150  
Deanna H. Hathaway (VSB #44150)  
Hathaway Adair, P.C.  
710 N. Hamilton Street  
Suite 200  
Richmond, VA 23221  
Counsel for the Debtors

**CERTIFICATE OF SERVICE**

I certify that on June 16, 2015, I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system or by mail to the Debtor, Chapter 13 trustee and the United States Trustee if other than by the electronic means provided for at Local Bankruptcy Rule 2002-1, and to all creditors and parties in interest on the mailing matrix attached hereto.

/s/ Deanna H. Hathaway  
Counsel for Debtors

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**In re: Jo Ann Gaskin  
Debtor**

**Case No. 11-35817-KLP  
Chapter 13**

**MOTION FOR AUTHORITY TO SELL PROPERTY**

COMES NOW Jo Ann Gaskin (the "Debtor"), by counsel, and files this Motion for Authority to Sell Property pursuant to 11 U.S.C. §§ 363 and 1303, Federal Rules of Bankruptcy Procedure 2002, 6004 and 9013, and Local Bankruptcy Rules 6004-1 and 9013-1. In support thereof, Debtor respectfully states the following:

1. This Court has exclusive jurisdiction over this matter pursuant to 28 U.S.C. § 1334.
2. This proceeding is a core proceeding under 28 U.S.C. §157(b)(2)(A), (B), (K), and (O).
3. Venue is proper pursuant to 28 U.S.C. §1409.
4. On September 13, 2011, the Debtor filed for an order for relief under Chapter 13 of the Bankruptcy Code protection pursuant to 11 U.S.C. § 101 et seq. (the "Petition Date").
5. The Amended Chapter 13 plan, filed January 11, 2012 has been confirmed by this Court.
6. Subsequent to the death of their mother on April 15, 2015, Debtor along with her

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Telephone: 804-257-9944  
Facsimile: 804-325-3178  
Counsel for Debtors

Brothers, Anthony Purcell Gaskin and Randy Leon Gaskin, (the “Co-Owners”) inherited interest in certain real property more commonly known as 4637 Powhatan Lakes Road, Powhatan Virginia 23139. The legal description is as follows<sup>1</sup>:

ALL that certain lot, piece or parcel of land, with all improvements thereon and appurtenances thereto belonging, lying and being in the Macon District of Powhatan County, Virginia, containing 1.38 acres, more or less, and designated as Lot No. 13 on a plat of survey made June 9, 1970, by Robert L. Downing, C.L.S., recorded in the Clerk's Office of Powhatan County, Virginia, in Plat Book 8, Page 51, and described thereon as follows:

BEGINNING at a point in the center line of Route 625, marked by an iron on margin, thence S. 3 degrees 32' 28" E. 343.06 feet to an iron; thence S. 86 degrees 27' 56" W. 200 feet to an iron; thence N. 3 degrees 32' 28" W. 303.62 feet to a point in the center line of Route 625, marked by an iron on margin; thence with the center line of said road a curve, delta 9 degrees 05' 13", radius 789.55 feet, tangent 62.74 feet, and length 125.22 feet, thence N. 72 degrees 31' 30" E. 78.91 feet to the beginning.

BEING the same property conveyed to Reginald P. Gaskin and Mary A. Gaskin, husband and wife, as tenants by the entireties and with the right of survivorship as at common law, by deed from Royce S. Goodwyn and Barbara L. Goodwyn, husband and wife, dated July 18, 1973, and recorded August 31, 1973, in the Clerk's Office, Circuit Court, Powhatan County, Virginia, in Deed Book 110, Page 402. NOTE: The said Reginald Purcell Gaskin died July 31, 2003 thereby vesting title by operation of law to his wife, Mary Alice Gaskin. The said Mary Alice Gaskin died April 23, 2015 and according to List of Heirs filed in Will Book 37, Page 177, her children are named as heirs as follows: Anthony Purcell Gaskin, John Gaskin and Randy Leon Gaskin.

7. The Debtor and her brothers executed a Purchase Agreement offering to sell real property (the “Sales Agreement”) for a sale price of \$70,000.00 to Andrew Vaughan Enterprises, LLC (the “Purchaser”).

8. Upon information and belief, there are no liens against the Real Property.

9. The parties had originally agreed to close on or about June 30, 2015, when they learned an Order Approving Sale would be necessary. The parties have now agreed to close as

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<sup>11</sup> The proposed legal description incorrectly identifies Jo Ann Gaskins as “John” Gaskins. Any proposed Order will have the corrected legal description included therein and for clarity a copy

soon as practicable after entry of such an Order.

10. The settlement agent is Powhatan Real Estate Settlements, LLC, 3887 Old Buckingham Road, Powhatan, Virginia 23139.

11. Additional closing costs and/or credits payable by the Debtor and Co-Owners including realtor commissions, taxes and recordation fees are estimated to be less than \$5,000.00.

12. The Debtor has incurred additional reasonable and necessary attorney's fees payable to Hathaway Adair, P.C. for services rendered in this matter in an amount not to exceed \$500.00 to be paid at closing without further order of this Court. Any requested fees related to this transaction that exceed \$500.00 must be applied for and approved by the Court.

13. After paying the closing costs and attorney's fees, it is estimated that the Joint Debtor and Co-Owners will receive approximately \$65,000.00 in net proceeds.

14. Debtor seeks permission from the Court to sell the Real Property and propose to distribute the proceeds of the sale in the following manner:

a. Closing costs, including but not limited to realtors' commissions and recordation costs, in the approximate amount of \$5,000.00.

b. Additional reasonable and necessary attorney's fees payable to Hathaway Adair, P.C. for services rendered in this matter in an amount not to exceed \$500.00 to be paid at closing without further order of this Court. Any requested fees related to this transaction that exceed \$500.00 must be applied for and approved by the Court.

c. Payment to the Chapter 13 Trustee in the amount of approximately \$16,000.00, subject to adjustment after consultation with the Chapter 13 Trustee, which amount represents the Debtor's portion of the proceeds after application of her allowable exemptions.

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of the List of Heirs is attached hereto as Exhibit A.

15. The Debtors asserts that any other remainder of the proceeds following distribution as forth in (a) through (c) above, are exempt pursuant to previously claimed exemptions and/or are attributable to post-confirmation appreciation in value that is not property of the estate.

16. The Debtors further requests that the Court waive application of Federal Rule of Bankruptcy Procedure 6004(h) in the instant matter in order to facilitate the efficient closing of the sale of the Real Property.

WHEREFORE, the Debtors pray that this Court enter an Order: (1) permitting Debtor to sell the Real Property, (2) directing that the sale proceeds be applied to the costs of sale, attorney's fees, to the Chapter 13 Trustee, and to the Debtor as set forth herein, (3) waiving the application of Federal Rule of Bankruptcy Procedure 6004(h) in the instant matter, and (4) for such other and further relief as the Court deems proper.

Respectfully submitted,  
**Jo Ann Gaskin**  
By Counsel

By: /s/ Deanna H. Hathaway (VSB #44150)  
Deanna H. Hathaway (VSB #44150)  
Hathaway Adair, P.C.  
710 N. Hamilton Street  
Suite 200  
Richmond, Virginia 23221  
Counsel for Debtors

**CERTIFICATE OF SERVICE**

I certify that on June 16, 2015, I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system or by mail to the Debtor, Chapter 13 trustee and the United States Trustee if other than by the electronic means provided for at Local Bankruptcy Rule 2002-1, and to all creditors and parties in interest on the mailing matrix attached hereto.

/s/ Deanna H. Hathaway

Atlantic Law Group LLC  
P.O. Box 2548  
Leesburg, VA 20177

Bank of America  
PO Box 17270  
Wilmington, DE 19850-7270

Calvary Portfolio Svc  
500 Summit Lake Drive  
Ste 400  
Valhalla, NY 10595

Cavalry Portfolio Services  
PO Box 27288  
Tempe, AZ 85285-7288

Dominion VA Power  
Attn: Bankruptcy Group  
P.O. Box 26666  
Richmond, VA 23261

DT Credit Company, LLC  
P. O. Box 29018  
Phoenix, AZ 85038

DT Credit Corp.  
7300 E. Hampton Ave #101  
Mesa, AZ 85209-3374

Dyck O'Neal, Inc.  
PO Box 13370  
Arlington, TX 76094

Fingerhut Corporation  
PO Box 1250  
Saint Cloud, MN 56395-1250

GE Money Bank  
Re: Bankruptcy  
PO Box 960061  
Orlando, FL 32896-0061

GEMB/JCP  
Re: Bankruptcy  
PO Box 103104  
Roswell, GA 30076

GEMB/Sam's  
Attn: Bankruptcy Department  
PO Box 103104  
Roswell, GA 30076

Glasser & Glasser  
Re: Midland Funding LLC  
PO Box 3400  
Norfolk, VA 23514

HSBC  
Attn: Bankruptcy Department  
PO Box 5253  
Carol Stream, IL 60197

HSBC Bank  
PO Box 5253  
Carol Stream, IL 60197

HSBC Bank USA NA  
P. O. Box 21188  
Saint Paul, MN 55121

Jefferson Capital Systems  
PO Box 7999  
Saint Cloud, MN 56302-9617

Jefferson Capital Systems  
16 McLeland Road  
Saint Cloud, MN 56303

Midland Credit Mgmt  
8875 Aero Dr Suite 200  
San Diego, CA 92123

Midland Funding LLC  
American InfoSource  
PO Box 248897  
Oklahoma City, OK 73124-8897

Midland Funding LLC  
by American Info Source  
P. O. Box 4457  
Houston, TX 77210-4457

Midland Funding LLC  
Recoser, LLC  
22 SE 2nd Ave, St#1120  
Miami, FL 33131-1605

NTelos  
P.O. Box 580423  
Charlotte, NC 28258

RJM Acq LLC  
575 Underhill Blvd  
Ste 224  
Syosset, NY 11791

Santander Consumer USA  
Attn: Bankruptcy Department  
PO Box 560284  
Dallas, TX 75356-0284

Santander Consumer USA  
8585 N. Stemmons PKWY  
Suite 1000  
Dallas, TX 75247

Tribute Mastercard  
P.O. Box 105555  
Atlanta, GA 30348-5555

Vantium Capital, Inc.  
7880 Bent Branch Drive  
Suite 150  
Irving, TX 75063

Verizon Wireless  
Bankruptcy Dept.  
PO Box 3397  
Bloomington, IL 61702

Wachovia Bank  
501 Bleecker Street  
Utica, NY 13501-2498



EXHIBIT A

BOOK 37 PAGE 117

LIST OF HEIRS

COMMONWEALTH OF VIRGINIA VA. CODE § 64.2-509

Court File No.

CWF150002535

Powhatan Circuit Court

Mary Alice Gaskin NAME OF DECEDENT 4/23/2015 DATE OF DEATH

I/We, the undersigned, hereby state under oath that the following are all of the heirs of the Decedent:

NAMES OF HEIRS	ADDRESSES	RELATIONSHIP	AGE
<u>Anthony Purcell Gaskin</u>	<u>1250 Dorset Rd Powhatan VA 23139</u>	<u>Son</u>	<u>47</u>
<u>John Gaskin</u>	<u>4444 Three Miles Ln Goodland VA 23063</u>	<u>Daughter</u>	<u>46</u>
<u>Randy Leon Gaskin</u>	<u>7500 Johnson Farm Ln Apt 313 Chads Ford PA 19317</u>	<u>Son</u>	<u>34</u>

[ ] This LIST OF HEIRS is filed in addition to the LIST OF HEIRS previously filed with this Court on \_\_\_\_\_ DATE \_\_\_\_\_

I/we am/are (please check one):

- [ ] Proponent(s) of the will (no qualification)  
[ ] Personal representative(s) of the decedent's estate  
[ ] Heir-at-law of intestate decedent (no qualification within 30 days following death)

Given under my/our hand this 23rd day of May, 2015

Anthony Purcell Gaskin PRINTED NAME OF SUBSCRIBER [Signature] SIGNATURE OF SUBSCRIBER  
\_\_\_\_\_  
PRINTED NAME OF SUBSCRIBER SIGNATURE OF SUBSCRIBER  
\_\_\_\_\_  
PRINTED NAME OF SUBSCRIBER SIGNATURE OF SUBSCRIBER

State/Commonwealth of Virginia [ ] City Powhatan County of Powhatan to wit:

Subscribed and sworn to before me this 23rd day of May, 2015  
by Anthony Purcell Gaskin NAME(S)

[Signature]  
[ ] CLERK [ ] DEPUTY CLERK [ ] NOTARY PUBLIC

My commission expires \_\_\_\_\_

Registration No. \_\_\_\_\_

VIRGINIA: In the Clerk's Office of the Powhatan Circuit Court this 26th day of May, 2015  
the foregoing LIST OF HEIRS was filed and admitted to record.

Tested: [Signature] CLERK

by: Barbara Hutchison Deputy Clerk